

APPEAL NO. 033108
FILED JANUARY 16, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 27, 2003. The hearing officer determined that the compensable injury of appellant (claimant) does not extend to the cervical spine; that claimant reached maximum medical improvement (MMI) on August 20, 2002; and that his impairment rating (IR) is five percent, in accordance with the report of the Texas Workers' Compensation Commission-selected designated doctor. Claimant appealed these determinations on sufficiency grounds. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

We have reviewed the complained-of determination regarding extent of injury and conclude that the issue involved a fact question for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination is supported by the record and is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Claimant contends that the hearing officer erred in making the MMI and IR determinations in this case. The hearing officer did not err in giving presumptive weight to the designated doctor's report, and in determining the claimant's MMI date and IR in accordance with that report. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer did not err in giving presumptive weight to the report of the designated doctor.

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS
350 NORTH ST. PAUL, SUITE 2900
DALLAS, TEXAS 75201.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert W. Potts
Appeals Judge